



WEB COPY



WP(MD)No.27103 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.27103 of 2025 &
WMP.(MD).No.21043 & 21046 of 2025

A.Sundararaj

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep., by its Secretary to Govt.,
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai.

3.The Chief Educational Officer,
O/o the Chief Educational Office,
Thanjavur, Thanjavur District.

4.The District Educational Officer,
O/o the District Educational Office,
Thanjavur, Thanjavur District.

5.The Correspondent,
St.Peter's Higher Secondary School,
Thanjavur, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent vide his proceedings in O.Mu.No.7731/A4/2018, dated 12.03.2019 and the consequential impugned order passed by the fourth respondent vide his proceedings in Oo.Mu.No.538/A4/2020, dated 30.07.2020 and the consequential impugned order passed by the fourth respondent vide his proceedings in Oo.Mu.No.3465/A4/2020, dated 27.10.2020



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and the consequential impugned order passed by the third respondent vide his proceedings in Muu.Mo.No.876/A2/2022, dated 10.04.2024, and quash the same as illegal and consequentially direct the respondents to approve the petitioner's appointment as Office Assistant w.e.f., 27.11.2018, and pay arrears of salary with all consequential monetary benefits arising thereon within the period that may be stipulated by this Court.

(Prayer is amended vide Court order dated 24.10.2025 and in WMP.(MD).No. 21557 of 2025 in W.P.(MD).No.27103 of 2025.)

For Petitioner : Mr.Mohammed Imran H

For Respondents : Mr.N.Satheesh Kumar AGP for RR1 & R4

ORDER

This Writ Petition had been filed to quash the the impugned order passed by the fourth respondent dated 12.03.2019 and the consequential impugned orders dated 30.07.2020 and 27.10.2020 and the consequential impugned order passed by the third respondent dated 10.04.2024, as illegal and consequentially direct the respondents to approve the petitioner's appointment as Office Assistant w.e.f., 27.11.2018, and pay arrears of salary with all consequential monetary benefits arising thereon within the period that may be stipulated by this Court.

2. The petitioner had been appointed as an Office Assistant on 27.11.2018 in the vacancy that arose in the 5th respondent on the incumbent being conferred with the promotion as Junior Assistant. Approval of the petitioner had been rejected, as there has been a District surplus in the aforesaid post and that there is



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no instructions for grant of approval to a non-teaching staff.

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3. This Court in W.P.(MD).No.30911 of 2024, dated 10.09.2025, had held that when a post is a sanctioned post, there is no necessity to await an instruction from the Department of the Government for granting approval for appointment of an individual in the said sanctioned post. Therefore, the ground that had been raised to await instructions cannot be said to be a ground upon which the impugned order could be sustained.

4. Similarly, the ground of District surplus could not be put against the petitioner as firstly the order of the Division Bench in W.A.(MD).No.76 of 2019, dated 31.03.2021 can only be applied prospectively and not to an appointment made before the judgment was delivered. Secondly, the Rules, which were framed by the Government with regard to surplus, had also been stayed by a Division Bench of this Court in respect of the minority institution. In view of the same, second reasons assigned also would have to fall.

5. For the aforesaid reasons, the Writ Petition is allowed and the impugned orders are set aside and there shall be a direction to the respondents to approve the appointment of the petitioner from the date of his original appointment and



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grant all monetary benefits. Such exercise shall be carried out by the third respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.10.2025

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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Order made in
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